

SUPREME COURT OF NEBRASKA



ADMINISTRATIVE OFFICE OF THE COURTS & PROBATION

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TO: Nebraska County Court Judges, Clerk Magistrates, and Probate Managers

FROM: Janice Walker, State Court Administrator

DATE: January 15, 2014

RE: Update on Judith Widener Guardian/Conservator Cases

On November 25, 2013, the State Auditor released a report critical of NDHHS' handling of its Assistance to the Aged, Blind, or Disabled program. The report described alleged criminal activity by then-guardian Judith Widener. This memo will update you on what we have learned regarding these guardianship cases and explain the steps we are taking to address the problems we have identified.

First, however, I want to take this opportunity to express my deep appreciation for the tremendous, immediate response court employees have taken to address this serious matter. The day of the Auditor's press release, clerk magistrates began to scrutinize guardianship cases involving Judith Widener. Within three days, county judges across the state communicated with fellow judges and administrative staff regarding the need to review records and schedule hearings in Widener's guardianship cases. Since the Auditor's report was released Thanksgiving week, many of you worked over the holiday to attend to this matter. In the weeks that followed, county courts scheduled dozens of hearings. County judges ordered removal of Widener as guardian and appointed guardians ad litem and successor guardians. I commend your efforts to address this problem as soon as it came to light in order to protect the interests of Widener's former wards. Your dedication demonstrates the best of what the Nebraska Judicial Branch does to be accountable and work toward the protection of the most vulnerable of our state's citizens. I especially want to thank Trial Court Services Director Sheryl Connolly, ODR/Special Court Programs Director Debora Brownyard, and Guardian/Conservator Specialists Darla Schiefelbein, Cathy Reiman, and Lyn Hanak. Each of them spent countless hours over Thanksgiving and since analyzing Widener's cases. Their thorough review of JUSTICE files has provided us with clarified information about guardianship cases involving Widener. Here are some of their findings:

1. Judith Widener had 216 cases in which she was active as guardian or conservator for the ward (a JUSTICE search for Widener's name resulted in over 600 cases; however this included old guardianship cases in which Widener had already been discharged and non-guardianship cases in which Widener was listed as a party).
2. Widener had active guardianships in 36 different counties.
3. Judith Widener was current in 85% of her required annual reports. Courts were reviewing reports as required. Since the reviewing requirements were implemented in January 2012, courts had issued 119 notices of corrective action in Widener cases where documentation had not been filed or was found to be deficient.
4. Active Cases had been assigned to Widener beginning in 1998. The majority of appointments had been made before the increased requirements were implemented in 2012. In 2012, Widener was appointed to 26 new cases. In 2013, she was appointed to 14 new cases.
5. In each case, a petition had been filed by "interested persons" who nominated Widener. Of Widener's 216 active cases, 198 had scanned records available for review. These records revealed:
 - Widener was nominated by DHHS, APS, and other agency representatives in 45 cases;
 - Widener nominated herself in 42 cases (no other person/entity was indicated);
 - Widener was nominated by doctors, attorneys, nursing homes, or other professionals in 25 cases;
 - Widener was nominated by banks in 2 cases;
 - In 81 cases with records available, Widener was nominated by family members or other interested parties whose relationships were not identified; and
 - In 3 cases the court had, on its own motion, nominated Widener when previous guardians resigned and an emergency existed.

Efforts to address the matter continue and include:

1. Communicating with county courts regarding identified cases to ensure the appointment of successor guardians or conservators;
2. Developing an internal notification system to notify all county courts of future removals of a guardian or conservator for cause;
3. Providing continuing education and support for county court staff on the issues identified and lessons learned by the Guardian/Conservator Specialists on Friday, January 24, 2014;

4. Identifying and implementing additional enhancements to JUSTICE guardianship and conservatorship screens to ensure accurate coding and safeguards, with a focus on changing the status of the case in JUSTICE where the guardian has been discharged to improve monitoring and data collection;
5. Continuing ongoing consultation between the Trial Court Services Director, Guardian/Conservator Specialists, JUSTICE Business Analysts, and Clerk Magistrates to identify priorities for the coming year;
6. Pursuing the inclusion of government payors (Social Security, NDHHS, Veterans Administration) as interested parties;
7. Providing information about a nominated guardian/conservator's list of other active guardian/conservatorship cases to the court prior to appointment.

As always, your insights and suggestions on ways to improve the courts' role in protecting the interests of vulnerable adults in guardianships and conservatorships are welcomed and encouraged. As I reflect on the past few weeks, I am proud of the tremendous efforts of county judges and staff in addressing this situation.

JKW/ml